THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5855 of 2007

23.3.2007

Between:

Vedantham Ranganayakamma, W/o.late Gopalacharyulu
And others

… Petitioners

AND

The Regional Joint Commissioner of Endowments, Tirupathi
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5855 of 2007

ORDER:

The three petitioners filed the instant writ petition seeking a writ of Mandamus declaring the action of the first respondent, namely, Regional Joint Commissioner of Endowments, in not numbering and not passing orders on the stay application filed by the petitioners under Section 92 of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Act, for brevity). A consequential direction to the first respondent is also sought. The second petitioner claims to be hereditary archaka of Sri Venugopala and Anjaneya Swamy vari Devasthanam, Pedakakani in Guntur District. Petitioners 1 and 3 also claim to have hereditary rights. They allege that as per the compromise decree in O.S.No.54 of 1933 on the file of the Court of the District Judge, Guntur, they are entitled to be in possession of the temple properties for rendering service in the temple, which is registered under Section 6(c) of the Act.

The temple whose income is less than Rs.50,000/- is exempted from the purview of Section 144 of the Act, which abolishes hereditary rights. They also filed O.S.No.153 of 2000 on the file of Court of the Principal Junior Civil Judge, Guntur, for declaration that they are entitled to the interest on the amounts deposited towards compensation for acquiring the temple lands. The same was decreed on 09.10.2001. In spite of the same, the Manager of the temple filed an application being O.A.No.144 of 2004 against the third respondent, who is allegedly tenant of the petitioners, before the Deputy Commissioner of Endowments, Guntur, under Section 83(1) of the Act for eviction. By an order dated 06.1.2007 the second respondent ordered eviction of the third respondent. Aggrieved by the same the petitioners preferred a revision petition before the first respondent on

07.3.2007 along with an application for stay. This writ petition is filed on 21.3.2007 seeking the relief as noticed herein above.

Learned Counsel for the petitioners while reiterating the contentions as found in the writ affidavit, submits that by reason of the earlier orders of the civil court, the petitioners have a right to be in possession of the lands and, therefore, the first respondent ought to have passed immediate stay orders. Learned Assistant Government Pleader for Endowments placing reliance on a judgment of this Court in **Mir Fazle Ali Nasiri v State of A.P.**[1] submits that when there is no extraordinary delay on the part of the public authority, this Court may not interfere in the matter.

As seen from the order passed by the second respondent on 06.1.2007, the third respondent was declared as an encroacher of the temple land and he was ordered to be evicted from the land. The petitioners are admittedly not in possession. Curiously they filed the revision petition before the first respondent presumably for the reason that they got impleaded in O.A.No.144 of 2004 subsequently. Be that as it is they filed the revision petition with delay of almost two months and even before the matter is taken up by the first respondent they rushed to this Court. Applying the ratio, it must be held that such a writ petition is not maintainable. If so advised the petitioners may approach the first respondent for expeditious orders.

The writ petition is misconceived and is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

March 23, 2007.
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[1] 2007(2) ALD 3